

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTIETH LEGISLATURE

SIXTY-EIGHTH LEGISLATIVE DAY
FRIDAY, MARCH 20, 2009

House of Representatives

The House convened at 11 a.m., the Speaker in the Chair.

Roll call showed 67 members present.

Absent and excused – Harwood, Marriott, Takasugi.

Total – 3.

Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Andres Figueroa, Page.

Approval of Journal

March 20, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Sixty-seventh Legislative Day and recommend that same be adopted as corrected.

CLARK, Chairman

Mr. Clark moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

Consideration of Messages from the Governor and the Senate

March 19, 2009

Mr. Speaker:

I return herewith enrolled [H 36](#), [H 37](#), [H 83](#), [H 51](#), and [H 102](#) which have been signed by the President.

WOOD, Secretary

Enrolled [H 36](#), [H 37](#), [H 83](#), [H 51](#), and [H 102](#) were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

March 19, 2009

Mr. Speaker:

I transmit herewith [S 1142](#) which has passed the Senate.

WOOD, Secretary

[S 1142](#) was filed for first reading.

March 19, 2009

Mr. Speaker:

I return herewith [H 99](#), [H 100](#), [H 121](#), and [H 119](#) which have passed the Senate.

WOOD, Secretary

[H 99](#), [H 100](#), [H 121](#), and [H 119](#) were referred to the Judiciary, Rules, and Administration Committee for enrolling.

Report of Standing Committees

March 20, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [H 253](#), [H 254](#), [H 255](#), and [H 256](#).

CLARK, Chairman

[H 253](#) was referred to the Revenue and Taxation Committee.

[H 254](#) was referred to the Transportation and Defense Committee.

[H 255](#) was filed for second reading.

[H 256](#) was referred to the Education Committee.

March 20, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled [H 57](#), [H 78](#), [H 40](#), [H 137](#), [H 59](#), and [H 60](#).

CLARK, Chairman

The Speaker announced he was about to sign enrolled [H 57](#), [H 78](#), [H 40](#), [H 137](#), [H 59](#), and [H 60](#) and, when so signed, ordered them transmitted to the Senate for the signature of the President.

March 20, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have engrossed [H 70](#), as amended in the Senate, [H 152](#), as amended in the Senate, and [H 76](#), as amended in the Senate.

CLARK, Chairman

[H 70](#), as amended in the Senate, [H 152](#), as amended in the Senate, and [H 76](#), as amended in the Senate, were filed for first reading of engrossed bills.

March 19, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled [H 31](#), as amended in the Senate, [H 34](#), as amended in the Senate, [H 79](#), as amended in the Senate, and [H 132](#), as amended in the Senate, to the Governor at 2 p.m., as of this date, March 19, 2009.

CLARK, Chairman

March 19, 2009

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration [S 1138](#) and recommend that it do pass.

LAKE, Chairman

[S 1138](#) was filed for second reading.

March 18, 2009

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration [H 229](#) and [H 202](#) and recommend that they do pass.

LOERTSCHER, Chairman

[H 229](#) and [H 202](#) were filed for second reading.

March 19, 2009

Mr. Speaker:

We, your COMMITTEE ON COMMERCE AND HUMAN RESOURCES, report that we have had under consideration [H 230](#), [H 231](#), and [S 1122](#) and recommend that they do pass.

SCHAEFER, Chairman

[H 230](#), [H 231](#), and [S 1122](#) were filed for second reading.

March 19, 2009

Mr. Speaker:

We, your COMMITTEE ON RESOURCES AND CONSERVATION, report that we have had under consideration [H 240](#) and report it back with amendments attached to be placed on General Orders for consideration.

STEVENSON, Chairman

[H 240](#) was placed on General Orders for consideration.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

HOUSE JOINT MEMORIAL NO. 8 BY STATE AFFAIRS COMMITTEE

A JOINT MEMORIAL

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the First Regular Session of the Sixtieth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the right to a private, secret ballot when voting on external representation is fundamentally inherent in our representative Republic and shall not be infringed upon; and

WHEREAS, the passage of the Employee Free Choice Act (EFCA), or any components contained within the Act, would allow, in place of a federally supervised private ballot election, a system known as "card check," whereby employees sign valid authorizations designating an individual or labor organization as the employees' bargaining representative; and

WHEREAS, the "card check" system would facilitate coercion and intimidation by permitting the union authorization cards to be signed before union organizers; and

WHEREAS, in a March of 2008 nationwide telephone survey of 1,000 adults, conducted by the polling company, inc., seventy-nine percent of the American people agreed that every worker should continue to have the right to a federally supervised secret ballot election when deciding whether to organize a union. The support for this proposition was overwhelmingly tri-partisan, with seventy-seven percent of Republicans, eighty-two percent of Democrats and seventy-nine percent of independents so agreeing; and

WHEREAS, a June of 2004 national random telephone survey of over 700 union members conducted by Zogby International found that fifty-three percent of the respondents believed that having the government hold a secret ballot election and keeping the workers' decisions private was the more fair way to become part of a union; and

WHEREAS, in July of 2002, Bruce G. Esgar, an employee of MGM Grand Hotel, Inc. in Las Vegas, testified before the United States House of Representatives Committee on Education and the Workforce that the Culinary Workers Union, Local 226, used threats of job loss and loss of health and the 401k benefits if the authorization card was not signed; and

WHEREAS, according to the United States Chamber of Commerce, Representative George Miller, the Chairman of the United States House of Representatives Education and Labor Committee and a staunch supporter of the American "card check" bill, along with fifteen other members of Congress, sent a letter to Mexican government officials in August of 2001, stating "we feel that the private ballot is absolutely necessary in order to ensure workers are not intimidated into voting for a union they may otherwise not choose"; and

WHEREAS, the EFCA's mandatory binding arbitration provisions deny workers the right to participate in the collective bargaining process between employees and the union; and

WHEREAS, the so-called "card check" legislation, such as the EFCA, is detrimental to the rights of workers and is an offense against democratic principles; and

WHEREAS, the Idaho Legislature finds that the EFCA is detrimental to the rights of workers and an offense against democratic principles.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixtieth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Senate and the House of Representatives of the United States Congress assembled and the congressional delegation representing the state of Idaho in the Congress of the United States are strongly urged to vote "no" on cloture and on final passage of the Employee Free Choice Act and oppose any of its components in 2009, and in future years.

BE IT FURTHER RESOLVED that the members of the Idaho Legislature strongly urge all members of the United States Congress to vote "no" on final passage of the Employee Free Choice Act and oppose any of its components in 2009, and in future years.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

[HJM 8](#) was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

**Introduction, First Reading, and Reference
of Bills and Joint Resolutions**

**HOUSE BILL NO. 257
BY REVENUE AND TAXATION COMMITTEE**

AN ACT

RELATING TO TAXES ON CIGARETTE AND TOBACCO PRODUCTS; AMENDING SECTION 63-2520, IDAHO CODE, TO REVISE THE DISTRIBUTION OF CERTAIN MONEYS COLLECTED AND TO MAKE TECHNICAL CORRECTIONS.

**HOUSE BILL NO. 258
BY STATE AFFAIRS COMMITTEE**

AN ACT

RELATING TO A SPECIALTY LIMITED HEATING CONTRACTOR/JOURNEYMAN; AMENDING SECTION 54-5009, IDAHO CODE, TO PROVIDE FIVE CLASSIFICATIONS OF LICENSURE AND TO DEFINE A "SPECIALTY LIMITED HEATING CONTRACTOR/JOURNEYMAN"; AND AMENDING SECTION 54-5012, IDAHO CODE, TO PROVIDE FEES FOR APPLICATION FOR EXAMINATION FOR A SPECIALTY LIMITED HEATING CONTRACTOR/JOURNEYMAN LICENSE.

**HOUSE BILL NO. 259
BY STATE AFFAIRS COMMITTEE**

AN ACT

RELATING TO TAXES AND MINING; PROVIDING LEGISLATIVE INTENT; AMENDING SECTION 63-3022, IDAHO CODE, TO PROVIDE FOR A CERTAIN DEDUCTION FROM CORPORATE INCOME TAX; AMENDING TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 46, TITLE 63, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE PROVISIONS RELATING TO THE PRODUCTION AND DISTRIBUTION OF CERTAIN SILVER MEDALLIONS AND SILVER BARS, TO PROVIDE FOR RULES, TO PROVIDE THAT THE STATE TREASURER SHALL VALUE CERTAIN SILVER MEDALLIONS AND BARS, TO PROVIDE FOR THE ACCEPTANCE BY THE STATE TREASURER OF CERTAIN SILVER MEDALLIONS AND BARS FOR PAYMENT, TO PROVIDE FOR SUSPENSION OF ACQUISITION OF MEDALLIONS AND BARS, TO PROVIDE FOR THE DESIGN OF CERTAIN SILVER MEDALLIONS AND BARS, TO PROVIDE PROVISIONS RELATING TO THE DISTRIBUTION OF CERTAIN SILVER MEDALLIONS AND BARS, TO PROVIDE THAT THE STATE TREASURER HAS THE AUTHORITY TO HEDGE ITS SILVER POSITION IN THE FINANCIAL MARKETS, TO PROVIDE PROVISIONS RELATING TO EXEMPTIONS FROM TAXATION OR FROM ANY SPECIAL ASSESSMENT FOR CERTAIN NEW CAPITAL INVESTMENTS, TO PROVIDE PROVISIONS RELATING TO THE LOCATION OF A CERTAIN NEW FACILITY FOR THE PRODUCTION OF SILVER AND OTHER METALS FROM SILVER ORE OR SILVER ORE CONCENTRATE, TO DEFINE TERMS, TO PROVIDE FOR DETERMINING CERTAIN INVESTMENT VALUE, TO PROVIDE FOR EXCLUSIONS AND TO PROVIDE FOR RULES; AMENDING SECTION 67-1223, IDAHO CODE, TO PROVIDE THAT THE STATE TREASURER SHALL OBTAIN A FEDERAL TRADEMARK ON THE DESIGN OF EACH SERIES OF IDAHO GEMS, TO PROVIDE THAT THE DESIGN OF EACH SERIES OF IDAHO GEMS IS

PROPERTY OF THE STATE, TO PROVIDE PROVISIONS RELATING TO INFRINGEMENT OF TRADEMARK AND TO PROVIDE FOR PENALTIES; AMENDING CHAPTER 12, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-1226, IDAHO CODE, TO ESTABLISH THE MINING INFRASTRUCTURE DEVELOPMENT FUND, TO PROVIDE FOR MONEYS DEPOSITED IN THE FUND AND TO PROVIDE FOR USE OF FUND MONEYS; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY.

**HOUSE BILL NO. 260
BY STATE AFFAIRS COMMITTEE**

AN ACT

RELATING TO THE IDAHO SKILLED NURSING FACILITY ASSESSMENT ACT; AMENDING TITLE 56, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 15, TITLE 56, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE LEGISLATIVE INTENT, TO DEFINE TERMS, TO PROVIDE FOR THE NURSING FACILITY ASSESSMENT FUND, TO PROVIDE FOR NURSING FACILITY ASSESSMENTS, TO PROVIDE FOR STATE PLAN APPROVAL, TO PROVIDE FOR MULTIFACILITY LOCATIONS, TO PROVIDE FOR THE TERMINATION OF ASSESSMENT, TO PROVIDE PENALTIES FOR FAILURE TO PAY ASSESSMENT, TO PROVIDE FOR RULEMAKING AUTHORITY AND TO PROVIDE FOR QUARTERLY NURSING FACILITY ADJUSTMENT PAYMENTS WITH A SUNSET PROVISION.

**HOUSE BILL NO. 261
BY STATE AFFAIRS COMMITTEE**

AN ACT

RELATING TO OCCUPATIONAL THERAPY; AMENDING SECTION 54-3701, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 54-3702, IDAHO CODE, TO REVISE DEFINITIONS AND TO DEFINE TERMS; AMENDING SECTION 54-3703, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 54-3704, IDAHO CODE, TO REVISE PROVISIONS RELATING TO EXEMPTIONS, TO PROVIDE CORRECT TERMINOLOGY, TO PROVIDE A CORRECT CODE REFERENCE AND TO REVISE CERTAIN CERTIFICATION PROVISIONS; AMENDING SECTION 54-3705, IDAHO CODE, TO REVISE PROVISIONS RELATING TO LIMITED PERMITS, TO PROVIDE A CORRECT CODE REFERENCE AND TO PROVIDE FOR TEMPORARY LICENSES; AMENDING SECTION 54-3706, IDAHO CODE, TO REVISE REQUIREMENTS FOR LICENSURE; AMENDING CHAPTER 37, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-3707, IDAHO CODE, TO PROVIDE FOR APPLICATIONS FOR LICENSURE; AMENDING SECTION 54-3707, IDAHO CODE, TO REDESIGNATE THE SECTION, TO REVISE EXAMINATION FOR LICENSURE PROVISIONS, TO PROVIDE THAT CERTAIN APPLICANTS WHO FAIL TO PASS THE EXAMINATION MUST SUBMIT A NEW APPLICATION AND TO LIMIT THE PERIOD OF TIME WHICH AN APPLICATION WILL BE HELD; AMENDING SECTION 54-3708, IDAHO CODE, TO REDESIGNATE THE SECTION, TO PROVIDE CORRECT TERMINOLOGY AND TO REVISE CERTIFYING ENTITY PROVISIONS; AMENDING SECTION 54-3709, IDAHO CODE, TO REDESIGNATE THE SECTION, TO DELETE REFERENCE TO RECOMMENDATION OF THE LICENSURE BOARD AND TO PROVIDE CORRECT

TERMINOLOGY; AMENDING SECTION 54-3710, IDAHO CODE, TO REDESIGNATE THE SECTION, TO PROVIDE CORRECT TERMINOLOGY, TO PROVIDE FOR THE TERM OF LICENSES AND TO PROVIDE FOR THE RENEWAL AND REINSTATEMENT OF LICENSES; AMENDING SECTION 54-3711, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO PROVIDE FOR TEMPORARY FEES AND REINSTATEMENT FEES; AMENDING SECTION 54-3712, IDAHO CODE, TO REDESIGNATE THE SECTION, TO DELETE REFERENCE TO RECOMMENDATION OF THE LICENSURE BOARD, TO REFERENCE CERTAIN DISCIPLINARY ACTIONS, TO PROVIDE CODE REFERENCES, TO DELETE PROVISIONS RELATING TO UNPROFESSIONAL CONDUCT AND REFERENCE TO RULES, TO PROVIDE FOR RENEWAL OF SUSPENDED LICENSES, TO PROVIDE FOR CERTAIN REVOKED LICENSES AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 54-3713, IDAHO CODE, TO REDESIGNATE THE SECTION, TO CLARIFY THE NAME OF THE BOARD, TO PROVIDE FOR APPOINTMENT AND REMOVAL OF BOARD MEMBERS BY THE GOVERNOR AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING CHAPTER 37, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-3715, IDAHO CODE, TO PROVIDE FOR SUPERVISION; AMENDING CHAPTER 37, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-3716, IDAHO CODE, TO PROVIDE FOR COMPLAINTS; AMENDING SECTION 54-3714, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE AND PROVIDE FOR POWERS AND DUTIES OF THE BOARD; AMENDING CHAPTER 37, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-3718, IDAHO CODE, TO PROVIDE GROUNDS FOR ACTION AGAINST A LICENSEE FOR UNPROFESSIONAL CONDUCT; AMENDING SECTION 54-3715, IDAHO CODE, TO REDESIGNATE THE SECTION, TO PROVIDE FOR THE DISPOSITION OF RECEIPTS AND EXPENSES, TO DELETE REFERENCE TO THE DIRECTOR OF THE IDAHO STATE BOARD OF MEDICINE AND THE STATE BOARD OF MEDICINE ACCOUNT, TO PROVIDE CORRECT TERMINOLOGY AND TO SET FORTH PROVISIONS RELATING TO THE OCCUPATIONAL LICENSES FUND; AMENDING SECTION 54-3716, IDAHO CODE, TO REDESIGNATE THE SECTION, TO PROVIDE FOR DISCIPLINARY ACTIONS AND TO MAKE A TECHNICAL CORRECTION; AMENDING CHAPTER 37, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-3721, IDAHO CODE, TO PROVIDE FOR THE OCCUPATIONAL THERAPY LICENSURE FUND; AND AMENDING SECTION 54-3717, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO PROVIDE CORRECT TERMINOLOGY.

[H 257](#), [H 258](#), [H 259](#), [H 260](#), and [H 261](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[S 1142](#), by State Affairs Committee, was introduced, read the first time by title, and referred to the State Affairs Committee.

First Reading of Engrossed Bills

[H 70](#), as amended in the Senate, by Judiciary, Rules, and Administration Committee, was introduced, read the first time by title, and filed for second reading.

[H 152](#), as amended in the Senate, by Transportation and Defense Committee, was introduced, read the first time by title, and filed for second reading.

[H 76](#), as amended in the Senate, by Business Committee, was introduced, read the first time by title, and filed for second reading.

Second Reading of Bills and Joint Resolutions

[H 250](#), by Appropriations Committee, was read the second time by title and filed for third reading.

[HJM 4](#) and [H 241](#), by State Affairs Committee, were read the second time by title and filed for third reading.

[H 242](#), [H 203](#), as amended, and [H 233](#), as amended, by Revenue and Taxation Committee, were read the second time by title and filed for third reading.

[S 1053](#), as amended, and [S 1054](#), by Transportation Committee, were read the second time by title and filed for third reading.

[H 97](#), as amended, by Transportation and Defense Committee, was read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

At this time, Mr. Moyle took the Chair.

Mr. Nonini asked unanimous consent that [H 225](#) be returned to the Education Committee. There being no objection, it was so ordered.

[H 226](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Hagedorn to open debate.

The question being, "Shall [H 226](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Simpson, Smith(30), Stevenson, Thayne, Thompson, Trail, Wills, Wood(27), Wood(35). Total – 64.

NAYS – None.

Absent and excused – Harwood, Marriott, Shirley, Smith(24), Takasugi, Mr. Speaker. Total – 6.
Total – 70.

Whereupon the Speaker Pro Tem declared that [H 226](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 24](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Hagedorn to open debate.

The question being, "Shall [H 24](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Loertscher, Mathews, McGeachin, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Simpson, Smith(30), Stevenson, Thayne, Thompson, Trail, Wills, Wood(27), Wood(35). Total – 58.

NAYS – Clark, Labrador, Luker, Moyle, Roberts. Total – 5.

Absent and excused – Harwood, Lake, Marriott, Shirley, Smith(24), Takasugi, Mr. Speaker. Total – 7.

Total – 70.

Whereupon the Speaker Pro Tem declared that [H 24](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 232](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Schaefer to open debate.

The question being, "Shall [H 232](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Stevenson, Thayne, Thompson, Trail, Wills, Wood(27), Wood(35). Total – 65.

NAYS – None.

Absent and excused – Harwood, Marriott, Smith(24), Takasugi, Mr. Speaker. Total – 5.

Total – 70.

Whereupon the Speaker Pro Tem declared that [H 232](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 84](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Ms. Pence and Mr. Durst to open debate.

The question being, "Shall [H 84](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hart, Hartgen, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Luker, Mathews, McGeachin, Moyle, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Ruchti, Rusche, Sayler, Shepherd(02), Shirley, Simpson, Smith(30), Stevenson, Thayne, Thompson, Trail, Wills, Wood(27). Total – 57.

NAYS – Andrus, Hagedorn, Loertscher, Nielsen, Schaefer, Shepherd(08), Wood(35). Total – 7.

Absent and excused – Harwood, Marriott, Roberts, Smith(24), Takasugi, Mr. Speaker. Total – 6.

Total – 70.

Whereupon the Speaker Pro Tem declared that [H 84](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 218](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Hart to open debate.

Mr. Cronin asked unanimous consent that, pursuant to Rule 22, discussion of other bills be allowed in debate of [H 218](#). There being no objection it was so ordered.

The question being, "Shall [H 218](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bilbao, Black, Block, Bolz, Boyle, Chadderdon, Clark, Collins, Crane, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Henderson, Higgins, Jarvis, Kren, Labrador, Lake, Loertscher, Luker, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Roberts, Ruchti, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Stevenson, Thayne, Thompson, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 51.

NAYS – Bell, Boe, Burgoyne, Chavez, Chew, Cronin, Durst, Jaquet, Killen, King, Ringo, Rusche, Sayler, Smith(30), Trail. Total – 15.

Absent and excused – Harwood, Marriott, Smith(24), Takasugi. Total – 4.

Paired Votes:

AYE -- Mr. Speaker NAY -- Jaquet

(Pairs enumerated in roll call above.)

Total – 70.

Whereupon the Speaker Pro Tem declared that [H 218](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 214](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Ms. Boyle to open debate.

The question being, "Shall [H 214](#) pass?"

Roll call resulted as follows:

AYES – Andrus, Barrett, Bayer, Bell, Bilbao, Block, Boyle, Chadderdon, Collins, Crane, Durst, Hagedorn, Hart, Hartgen, Henderson, Jarvis, Kren, Labrador, Loertscher, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Schaefer, Shepherd(02), Shepherd(08), Simpson, Thompson, Wood(35). Total – 31.

NAYS – Bedke, Black, Boe, Bolz, Burgoyne, Chavez, Chew, Clark, Cronin, Eskridge, Gibbs, Higgins, Jaquet, Killen, King, Lake, Luker, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Smith(30), Stevenson, Thayne, Trail, Wills, Wood(27). Total – 32.

Absent and excused – Anderson, Harwood, Marriott, Shirley, Smith(24), Takasugi, Mr. Speaker. Total – 7.

Total – 70.

Whereupon the Speaker Pro Tem declared that [H 214](#) failed to pass the House and ordered the bill filed in the office of the Chief Clerk.

Mr. Bedke asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places until Monday, March 23, 2009. There being no objection, it was so ordered.

There being no objection, the House returned to the Fifth Order of Business.

Report of Standing Committees

March 20, 2009

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration [H 252](#) and recommend that it do pass.

NONINI, Chairman

[H 252](#) was filed for second reading.

There being no objection, the House advanced to the Eighth Order of Business.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 262 BY EDUCATION COMMITTEE AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-521, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CERTAIN SEVERANCE PAYMENTS; AMENDING SECTION 33-1004A, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE DETERMINATION OF CERTAIN ALLOWANCES; AMENDING SECTION 33-1004G, IDAHO CODE, TO REVISE PROVISIONS RELATING TO AN EARLY RETIREMENT INCENTIVE; REPEALING SECTION 33-1004G, IDAHO CODE, RELATING TO AN EARLY RETIREMENT INCENTIVE; AMENDING SECTION 33-1004H, IDAHO CODE, TO REVISE PROVISIONS RELATING TO EMPLOYING RETIRED TEACHERS AND ADMINISTRATORS; DECLARING THAT THE LEGISLATURE RECOGNIZES THAT SCHOOL DISTRICTS AND PUBLIC CHARTER SCHOOLS WILL RECEIVE REDUCED FUNDING AND ENCOURAGES THE DISTRICTS AND PUBLIC CHARTER SCHOOLS TO ACCOMMODATE SUCH REDUCTIONS; DECLARING AN

EMERGENCY, PROVIDING A RETROACTIVE EFFECTIVE DATE AND PROVIDING EFFECTIVE DATES.

[H 262](#) was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Bedke moved that the House adjourn until 11 a.m., Monday, March 23, 2009. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker Pro Tem declared the House adjourned at 12:33 p.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk